

WICK RELEASE OF PAGE'S WIFE

ANITARIUM WONT KEEP HER
AND SENDS BACK HIS CHECK.

Doctors There Find no Evidence of Drug
or Alcohol Habit in White Woman's
Lunacy Certificate—Now One Will Try
and Get Back Her Nursing Salary.

Mrs. Jennie Emma Page, wife of Henry W. A. Page, a linen importer of this city, who was committed to the lunatic asylum at Lenox Hill, New York, on April 21 on the certificate of Drs. Edward Livingston Hunt and Frederick Peterson and the affidavit of her husband, was released yesterday in charge of her friend, Mrs. William R. Leonard, of 20 West Ninety-seventh street. Mrs. Page's husband, W. M. K. O'Leary, had applied for a writ of habeas corpus, claiming it with the affidavit that Mrs. Page was not, as her husband alleged and the two doctors declared, an "habitual drunkard and addicted to the use of drugs." The affidavit, published in THE SUN of Sunday, was then before Justice Newburger, who granted a writ compelling Mrs. Page's release in court yesterday morning. John F. Fine, attorney for the lunatic asylum, in a letter to Mrs. Leonard, wrote that Mrs. Page "was not a suitable subject for the care of the institution," and that the authorities had decided "not to contest the writ that has been issued."

The Mother Superior of the sanitarium told Mrs. Leonard that it became apparent after Mrs. Page had been in the institution only a few days that she was not, and apparently never had been, a user of liquor or drugs. The physicians of the institution, Mrs. Leonard said, found that she was merely suffering from nervous strain. She did not ask for liquor or drugs at any time in the nine days she was there. Mr. Page had sent a check to the sanitarium for the maintenance of Mrs. Page for one month and the check was returned to him.

It was announced by Henry W. Unger, counsel for Mr. Page when the habeas corpus case came up before Justice Newburger yesterday, that there was a prospect of settlement. If this is so, Mr. O'Leary, Mrs. Page and her friend, Mrs. Leonard, know nothing about it. After Mr. Unger made this announcement, word came to the Justice that Mrs. Page had been released after the doctors of the sanitarium, at the request of the directors, had made a thorough examination on Sunday and reported that they could find nothing in her mental or physical condition to justify a charge of habitual alcoholism.

Ex-Judge O'Leary said that Mrs. Hunt and Peterson, who are examiners in lunacy, had never seen Mrs. Page before they examined her and knew practically nothing of her married life or of its infelicities. At the time of the examination Mrs. Page was suffering from the effects of ill-treatment and humiliation at the hands of her husband, and was very nervous. She was also nursing her sister, who was ill, and the examination made her still more nervous. She is 30 years old, of sensitive temperament and has three children. The eldest, a boy of 8, is in England, and the others, a boy of 4 and the baby, are in the possession of the father, who took them after he had the mother committed to the asylum. It is a curious fact that she was not made a fit subject for the sanitarium by her recent experiences.

Ex-Judge O'Leary said yesterday that he believed examiners in lunacy had altogether too much latitude. Justice Livingston, who issued the order committing Mrs. Page, Mr. O'Leary said, was not to blame. The lunatic asylum, he said, was not to blame. The lunatic asylum, he said, was not to blame. The lunatic asylum, he said, was not to blame.

Dr. Hunt refused to say anything yesterday about his certificate and Dr. Peterson was out of town.

WANTED HOTEL MAN TO FEND HER

"Case Against Merrifield" Brings In Henry W. Taft as a Witness.

A breach of promise suit, in which Mark E. Merrifield, proprietor of the Continental Hotel at Broadway and Twentieth street, figures as defendant, will come up for trial within a few days in the Supreme Court. The plaintiff is Lucy A. Case, who wants \$50,000 damages for the alleged broken troth.

Henry W. Taft is to be examined as a witness in the suit, but because of his important engagements in Chicago and elsewhere during the coming fortnight his testimony will be taken before William L. Turner as referee. Mr. Taft is the brother of the Secretary of War. He is a lawyer, and it is said that Miss Case discussed her suit with him and made certain admissions which Mr. Merrifield's counsel, Nicolai Anable and Landau, would like to have before the jury.

Miss Case's counsel, Pentecost & Campbell, opposed the application for Mr. Taft's examination, but Justice Scott granted it. Mr. Campbell declined yesterday to discuss the suit at all. He would not reveal the details of the case, but he said that Miss Case is as sane as a baby. He said that the plaintiff is a woman of 25 years of age, and the elder Merrifield, who was president of the Hotel Men's Association, died about two years and a half ago. Miss Case's suit has been pending at 6 o'clock yesterday. There have been several postponements of the trial because of Mr. Merrifield's physical condition. He is said to be suffering from nervous exhaustion. He succeeded to the proprietorship of the Continental when his father died.

SUICIDE AFTER FIRST REDUKE.

Mrs. Johansson Put Her Head on a Pillow in the Oven and Turned On Gas.

Because she could not stand the first harsh words her husband had ever used toward her in nine years of married life, Mrs. Anna Johansson of 108 West Ninety-third street killed herself by placing her head on a pillow in the oven of a gas stove and turning on the gas.

Coroner Harburger learned that Mrs. Johansson remained in bed all day Sunday. Her husband chided her for her indolence and finally went away angry. At 6 o'clock the maid left the house. Mrs. Johansson was still in bed. Mrs. Johansson's body was found late in the evening by William Wellman, the janitor. He smelled gas and went to the Johanssons' apartment and was himself overcome by gas. He was saved from asphyxiation by a neighbor who opened a window. A fire escape and dragged him out of the flat. Mrs. Johansson was kneeling before the stove, with her head in the oven, dead.

Johansson, who has a grocery store at 600 Columbus avenue, did not go home until 12:30 A. M. At first he took his wife's death coolly, then he broke down and told the Coroner he had chided his wife. He said it was the first time he had ever spoken harshly to her. Mrs. Johansson's father is G. W. Eggers, a real estate dealer of 41 West Ninety-fourth street. He owns the big apartment house in which his daughter lived.

KEPT BLUEJACKET'S SON.

Two Acts of Hospitality Land Man and Woman Under Bonds for Trial.

"I was helping some French sailors, and that's how I got into trouble," said William William Keogh of the United States ship Maryland.

"How did it happen?" asked Magistrate Paul, who was on the bench of the Jefferson Market police court.

Keogh was not a prisoner. He was in court yesterday as complainant against John J. Burke and his wife, Minnie, of 154 West Twenty-eighth street. When he told his story the pair were held in \$1,000 bail each for trial.

"I was getting my shoes shined on Sunday afternoon at the corner of Twenty-ninth street and Sixth avenue," said Keogh, "when I saw some French sailors coming down the street. They were seven or eight of them and they were all loaded. I knew they seemed looking after and, as we are all of a kind of a reception committee for them, I took them in tow. I got them into two cabs and delivered them to the officer of the day at the foot of West Sixty-first street. You know the French men-of-war are just off there."

"That's fine, very commendable," interrupted the Court. "I'm going to see that it is brought to the attention of the proper authorities. But what has that to do with these defendants?"

"Well, your Honor, I had forgotten to pay for my shine. I went back to pay for it and I met this man, Burke, there. He told me he'd seen what I'd done and we had a drink on it. Then I went to his house for supper. We had some more stuff sent in, and I gave a \$20 gold piece for it. Mrs. Burke kept the champagne and they thought they had me so mixed up that I wouldn't know anything more about it."

"Detectives Roy and McFee of the West Thirtieth street police station, who arrested the Burkes, corroborated parts of Keogh's testimony."

"That's enough," said the Court. "I know you can't explain, Mr. Burke and Mrs. Burke, and I don't want you to. I'm going to hold you to the limit."

QUEER POLICE EVIDENCE.

Some One Shot at Feeney; Wife Accused; Man Who Wouldn't Tell His Black Eye.

Thomas Feeney, a bartender at 104th street and Columbus avenue, his wife, Ruth, who lives with him at 72 West 102d street, and John H. Fisher, who tends bar with Feeney, were arraigned in the West Side court yesterday morning by Policeman Coyle of the West 100th street station house, because some one had fired three shots at Feeney. Mrs. Feeney was charged with doing it when arrested, but the mastery with which Coyle presented his evidence caused Magistrate Moss to discharge all the prisoners.

"It appears to me that the policeman in this case is keeping back the evidence," said the Magistrate. "The woman should be held on some charge or other but it is impossible for me to entertain one on the statements of the officer. I ought to have a copy of the testimony to Headquarters."

When the Magistrate called the case Coyle arranged Feeney and his wife, but said nothing about Fisher, who had been arrested because he wouldn't tell what he knew about the shooting. Coyle said that he was two blocks away when he heard the shots fired and that the revolver lay at the woman's feet when he got to the scene. When one of the court clerks told the Magistrate that Fisher was also a prisoner the letter was arraigned, and the Court said to Coyle:

"Why didn't you tell me of this arrest?" "I didn't know about it," replied Coyle.

"Why were you arrested and how did you get your black eye?" asked the Court of the prisoner.

"Policeman Eckhoff struck me without cause and then arrested me," replied Fisher. When Eckhoff was questioned he said that Coyle had told him to arrest Fisher.

Then the Magistrate asked Coyle about it but the latter muttered some unintelligible reply, which caused the Court to discharge the prisoners in disgust.

LIGHTNING CAUSES DAMAGE.

Big Dairy and Two Barns Struck and Consumed with Five Horses and 35 Cows.

HOOROCK FALLS, N. Y., April 30.—The most destructive storm this season struck eastern New York and southern Vermont soon after midnight last night, and lasted until daybreak. Thunder crashed for several hours and lightning accompanied.

Throughout this section come reports of fires caused by buildings having been struck by lightning. Just before 3 o'clock the dairy located near Petersburg was struck and was quickly consumed with most of its contents, which included thirty cows. The property was owned by F. E. Rosenberg and known as Grogan Dairy.

Later in the morning the barn of George Van Buren of East Greenbush was burned, having been hit by lightning. The big barn, which was used for storing hay, straw and wagon house of the Mammoth Spring Company, located near West Sand Lake on the Albany turnpike, was burned to the ground. Five horses, five cows and one young bull were burned to death. Twenty tons of straw and hay, wagons, harnesses, etc., were consumed. In the case of the Grogan Dairy, where there was fire protection, so that all efforts were directed toward saving adjoining property.

In several districts throughout the county fires were forced over their banks and much damage caused from floods. Lowlands south of Hoosick Falls were completely submerged and the roads and tracks were covered. Several washouts are reported along the line of the Boston and Maine Railroad.

ASKED QUEER QUESTIONS.

Government Puzzles Candidates for Firemen's Places Were Asked to Solve.

Supreme Court Justice Madox in Brooklyn yesterday denied the application of Charles Koenig and fifteen others for peremptory writs of mandamus against the Municipal Civil Service Commission ordering their names placed on the eligible list for appointment in the Fire Department.

They were members of the Richmond county volunteer fire department, but failed on the physical examination, but failed on the mental examination. They alleged that the mental examination had to do with matters entirely foreign to the work of firemen. In denying the application Justice Madox said:

"Some of the questions propounded have nothing whatever to do with the duties of a fireman and are of a character to create a doubt as to whether the scheme for the appointment for fitness and merit is being put to a fair test. What has a fireman to do with the duties of a Clerk of a Corporation Council, or the difference between a grand and a petit jury, or what majority in the Legislature is necessary to pass a law by which a city is incorporated? It is not conceivable that—and doubt if—the members of the Civil Service Commission were aware of the questions. The fire Commissioner should have been. But the court cannot here review the acts of that commission in framing the conditions. That question is not before the court. Motion denied. No costs."

CAME BACK AFTER 19 YEARS.

Campbell's Children Didn't Know Him and His Wife Wouldn't Receive Him.

BLOOMFIELD, N. J., April 30.—Pierce Campbell, a plumber who has been away from his home in Passaic avenue for nineteen years and who had been given up as dead, made his appearance at his old home this morning. None of his children knew him. His wife refused to take him back, and Campbell went away never to return, he said.

Campbell is now in the navy, where he has been for over six years. He is said to be the man injured by an explosion on the battleship Massachusetts several years ago. He was one of the organizers of the fire department here.

IVINS THUNDERS AT MARRONE

ITALIAN JEAN DON'T SEMA FAIR-A-VER MUCH.

Street Cleaning Investigation Plots to Three Men and Two Women in the Gallery. Principal Feature of It is Marrow's Old Horse-Power Forgery.

Another session of the "investigation" into the methods of the Street Cleaning Department, which William M. Ivins is conducting at the City Hall before a committee of Aldermen, was held yesterday. There were three men and two women in the gallery.

Not a scrap of testimony was brought out concerning the administration of the Street Cleaning Department, with the exception of a report made by an accountant hired by the committee on the cost of the work in Brooklyn. This report went to show that the cost of cutting and final disposition was greater in 1905 than it was in 1904. Mr. Barry, counsel for Commissioner Woodbury, said that it was full of inaccuracies, and he got permission to submit a written reply.

The rest of the session was taken up mainly with the testimony of Joseph Marrow, who has the privilege of trimming the city dumps. As Marrow himself testified yesterday, the city does not pay him but he pays the city. He has an agreement with the department by which he pays \$1,200 a week for the privilege of picking and trimming the dumps. This is reduced to something like \$700 by the rebate which is allowed him for the refuse used for stoking the boilers of the municipal electric light plant at the foot of Delancey street.

Much time was devoted yesterday to inquiring into the personal affairs of Marrow as a sort of examination in supplementary proceedings.

"Didn't you go broke at the Guttenburg racetrack back in the '80s?" asked J. H. Cohen, Mr. Ivins's assistant.

"Why don't you pay the judgments that are pending against you?" "Because I haven't got the money."

"How much money have you in your pocket now?" "About \$12."

"Does that belong to you?" "Yes."

"Do you own the diamond rings and diamond horseshoe pin that you are now wearing?"

"No, they belong to Mary Brown." Mrs. Brown is Marrow's sister-in-law and all his business is done in her name.

"Do you know Sheriff Hayes?" "I do," was the answer.

"Did you ever take any money to him?" "No, why should I?"

Alderman Dowling, a minority member of the committee, then took the witness in hand.

"I notice," said he, "that Mr. Hayes's name has been brought into this matter. Have you ever had any business transactions of any kind with him?"

"I have not," replied the witness emphatically, and Mr. Cohen asked no more questions on that score.

The children of Marrow, who are about 10 years old, were brought in by Marrow about his business affairs caused Mr. Ivins to do some thundering and lightning.

"Do you know the penalty for perjury?" Mr. Ivins asked, finally.

"I do not."

"Well, you will find it out," said Mr. Ivins. "All right," replied the witness placidly. At the conclusion of the hearing the chairman of the committee announced that a transcript of the testimony would be sent to the District Attorney. The "investigation" will go on to-morrow morning at 10:30 o'clock.

MURDER OF MISSIONARIES.

Marist Brother Tells How Six of His Co-workers Were Killed in China.

The newspapers have reported the massacre of six Catholic missionaries in Nanchang, China, on February 25. The following is a letter written from the scene of the murder by a Marist Brother to the Society for the Propagation of the Faith, 27 Lexington avenue, relating the circumstances of this tragedy:

"Bishop Ferrant, Vicar Apostolic of Kiang-Si, had been endeavoring for some time to obtain from the Chinese authorities the punishment of the murderers of some of his Christians. The Mandarin was willing to grant a pecuniary compensation, but nothing else. The vicar prefect of Nanchang was of the same mind and refused to punish the guilty ones."

On the 22d of February the Mandarin called at the mission at meal time. It was not the first occasion he had invited himself to Father Lacourche's table. During the dinner the discussion was resumed. The official insisting that the difficulty could be settled for a cash consideration, Father Lacourche refused, declaring that the missionaries were as himself, desired nothing else but the punishment of the criminals.

The meal over, the Mandarin retired to another room and attended to his duties. After the first care given to the wounded man the priest ran in haste to the Governor to inform him of the event.

"This had happened on Thursday. What occurred on Friday and Saturday I do not know, but on Sunday morning the mission and the school were razed to the ground. Father Lacourche and five Marist Brothers were killed by an infuriated mob."

Fathers Mady and Rossignol, with the five nuns of the school, made their escape to Kio-Kiang, but Father Salvaret, exhausted by emotion and fright, died on reaching that city.

The Chinese press was soon filled with the most odious calumnies against the fathers. Father Lacourche was denounced as the murderer of the Mandarin, and the natives, who do not need such incentives, were exhorted to kill all those "savages missionaries."

"The city is quiet and rather scared, for two French men-of-war are in the vicinity, and the action may be soon demanded. It is said that the Mandarin is not dead, and that his wound is not even a serious one."

WOULD-BE COURT ATTENDANTS.

Men Who Want Jobs Out Against \$112,000 Worth of New Policemen.

Twenty-five members of the Court Attendants' List Association, composed of men whose names are on the civil service list for appointment as court attendants, headed by the president, Matthew Horgan, called on the meeting of the Board of City Magistrates yesterday afternoon. They went to the \$112,000 recently voted to do with the hiring of new policemen. Police Commissioner Bingham by the Board of Estimate, with the support of the Board of Magistrates, to hire 180 policemen to take the place of those detailed to the courts, be used in hiring civil service men in the magistrature courts instead.

There were not enough members present to constitute a quorum, so the court attendants were invited to the next monthly meeting. The magistrates have already decided that they prefer police attendants in the courts.

MADE DESPERATE BY GOSSIPS.

Mrs. Ortowitz, Who Jumped Before Train, Thought Husband Had Another Wife.

Mrs. Annie Ortowitz, who jumped in front of a Second Avenue elevated train on Sunday, begged Magistrate Baker in the Yorkville police court yesterday to let her go home to enjoy her new found happiness. She explained that she had been made desperate by hearing some gossip that her husband had another wife living. The two have been married only nine months. The police had made an investigation and assured her that her husband had no other wife.

"Let me take her home, Judge, and I'll be good to her. She's the only woman I love," the husband put in.

The Magistrate discharged her.

HELD FOR BABY FARMING.

Man Who Was Carrying a Dead Child to a Hospital Gets in Trouble.

Through the death of a four-month-old child, which Charles Muller, who lives at 266 Howard avenue, Brooklyn, was carrying to the Bushwick Hospital for medical treatment early yesterday morning, the existence of an alleged baby farm in Muller's home was discovered by the police of the Ralph avenue station. The child belonged to Marie Denigre, a domestic in the employ of a physician on McDonough street.

The child was given into the care of Muller's wife. They moved into the Howard avenue dwelling only recently. When Muller reached the hospital with the child the physicians discovered that the infant was dead and they immediately notified the police.

Policeman Plant was sent out to investigate. When he reached Muller's home he found a dead child in a box. He carried it, 3 months old, whose mother is a Mrs. Murphy, also a domestic in a physician's home, had died a short while before. A third child, belonging to a seventeen-year-old girl, was very ill and was later removed to the Convent of Mercy in Brooklyn.

Muller was arrested and held at the Ralph avenue police station under section 219 of the Penal Code, which makes it a crime before the age of 12 years, not their own relatives, without a permit. Muller was arraigned later in the Gates avenue police court, and held for a hearing to-morrow. Summons against Mrs. Muller and the mothers of the three infants were also issued.

PILOTS RESIST NEW RULES.

Ask Courts to Say That Port Wardens Have Gone Beyond Their Powers.

The new pilot regulations for Hell Gate, put into effect on April 9 by the Board of Port Wardens, are not altogether approved by the sound pilots, and one of them, Isaac N. Stillwell, has obtained from Supreme Court Justice Scott a writ of certiorari for the review of the regulations.

Pilot Stillwell says that behind the change in the regulations is an attempt to change the whole Hell Gate system of pilotage. Under the new rules there is to be only one pilot boat, of twenty-five tons, at the Hell Gate pilot station, while under the former rules, authorized by the act of 1882, there have been two or more boats of twenty tons each. The new boat is to be known as the station boat.

Stillwell also takes exception to the new rule that the inside station is to be fixed by the Board of Port Wardens, and to a three mile radius from Execution Rock. The new rules also increase the penalties that pilots may incur.

The change in the rules, Stillwell says, is illegal and unconstitutional, as interfering with his means of livelihood as a pilot, and as in violation of previously existing laws which have not been repealed or amended.

Justice Scott examined Stillwell's papers and remarked in granting the writ that there seemed to be some doubt as to whether the proposed regulations do not go too far, or at least beyond the authority vested in the Board of Port Wardens by law.

MRS. DU MONT PAROLED.

Policeman by Her Bed Kept Woman Who Took Poison in Hysterical Condition.

At the request of relatives of Mrs. Ivon du Mont, who swallowed poison accidentally last Thursday afternoon in the Bellechere Hotel and was sent to Roosevelt Hospital charged with attempted suicide, Magistrate Moss, in the West Side court, paroled her from custody yesterday afternoon until she is able to go to court.

The Magistrate took this action because he learned that the presence of a policeman beside the bed of Mrs. du Mont continually had caused frequent attacks of hysteria and had threatened to prevent her recovery as long as she was kept up.

Mrs. du Mont will not leave the hospital, however, until she can go to court to have the charge of attempted suicide formally dismissed.

PERIL OF FATHER-IN-LAWING.

You May Be Sued for Alienating Your Daughter's Affections.

Robert E. Lennert, a Maiden lane jeweller, has begun an action in the Supreme Court against his father-in-law, Ludwig Jochum, to recover \$25,000 damages for alienation of his wife's affections. Lennert's mother-in-law is also joined as a party defendant.

Jochum is said to be a well-to-do barber in Queens, and the parents-in-law would like to have the suit tried on their side of the East River. An application to this effect was made yesterday to Supreme Court Justice Scott, who reserved decision.

The Lennerts were married on March 26, 1903, and in January last Mrs. Lennert went to call on her parents. She became a mother while on the visit, and has not since returned to her husband. Lennert says that the parents have poisoned her mind against him.

MURDER AND NO PENALTY.

Recorder's Comment on Two Cases—Witnesses Spirited Away.

"Last Friday," said Recorder Goff in the General Sessions yesterday, "I was compelled to discharge a man accused of murder, and the admitted facts were these: Two men were seen together by a policeman. One man fell and the other ran. The policeman ran to the man who had fallen and found he had received nine stab wounds in the body and the knife with which the stabbing was done was sticking in his body. The officer drew out the knife and pursued the man who ran and caught him. There were blood stains on the prisoner's hands."

"It is lamentable that such things should occur in the heart of the city and no one be held for the crime. It is lamentable that in this community with its boasted civilization and its policy of laws and law officers a man accused of crime can escape without even the form of a trial. The Grand Jury was justified in discharging him, no doubt, but in my opinion it betokens gross negligence and incompetency somewhere that a brutal murder like that should take place and no one be brought to justice."

James J. Kenegah, who was indicted for murder in the first degree, was brought before the Recorder. He was accused of killing Patrick D. Morgan in a saloon fight. That was eight months ago. His counsel obtained from Judge O'Sullivan on March 22 an order that unless Kenegah was tried before April 16 he should be discharged.

"In this case," said the Recorder, "the District Attorney is unable to proceed with the trial. I do not say that it is because of delay or negligence. I am simply commenting on the facts. Under the order of Judge O'Sullivan I can do nothing else but discharge the prisoner. He may be innocent but the Grand Jury found enough evidence to indict him."

Assistant District Attorney Nott explained that several important witnesses had been spirited away, and that without them there was no case against Kenegah. Every effort to get them back had been unsuccessful.

TRAIN ROWDYISM PUNISHED.

18 Boys Arrested on Sunday on Subway and Elevated Cars.

When Justice Zeller took his seat on the bench in the Children's Court yesterday morning there were eighteen boys in the room who were arrested on Sunday for rowdyism on elevated and subway trains. Two were fined \$10 each and Benjamin Sinenovitch, 14 years old, of 150 East 113th street, was sent to the Catholic Protectors. Justice Zeller fined the rest of the boys \$5 each.

"I intend to do all that I can to break up this Sunday rowdyism on the trains. It's an outrage, and if I had my way I would send all these boys to the Protectors," said the Justice.

Dying Is Not Popular.

The number of deaths in Greater New York the past week was only 1,523, as compared with 1,638 last year, although the mortality from measles and bronchopneumonia has been three times as great as last year.

The decrease comes from all other diseases, especially tuberculosis, heart disease and cerebro-spinal meningitis.


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